

IT IS ORDERED

Date Entered on Docket: August 28, 2024



The Honorable David T. Thuma
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re: Gabriel J. Ramirez,
Brenna J. Ramirez

Case No. 22-10390-t13

Debtor(s).

ORDER MODIFYING PLAN AFTER CONFIRMATION

Before the Court is the *Amended Motion to Modify Plan After Confirmation* filed on July 29, 2024, Doc. No. 45 (the “Amended Motion”). The Court being sufficiently advised, FINDS:

A. The Amended Motion proposes to modify the *Chapter 13 Plan* (Doc. No. 2) as confirmed by the *Order Confirming Chapter 13 Plan* (Doc. No. 25) (as confirmed, the “Plan”).

B. The Plan presently calls for Debtor to pay \$2,615.00 per month to the Chapter 13 Trustee.

C. Debtor Gabriel Ramirez had a permanent reduction in hours at his employment, which led to a reduction in income.

D. Debtors propose to reduce their Plan payment to \$1,850.00 per month beginning August 13, 2024. This \$1,850.00 Plan payment accounts for the reduction in income as well as addresses the Plan arrearages in the amount of \$5,713.01 (as of July 29, 2024). This \$1,850.00 Plan payment will continue through the duration of the Plan.

E. Debtors further propose to pay the net yearly bonus received by Debtor Gabriel Ramirez into the Plan beginning in 2025 and continuing through the duration of the Plan.

F. With this modification, the Plan no longer provides for 100% payment to the non-priority unsecured creditors and therefore, the Trustee is not obligated to pay interest to the non-priority unsecured creditors.

G. Notice of the Motion, and of a 21-day period to object thereto, were mailed on July 31, 2024 to the parties on the Court's official mailing list for this case. Notice was sufficient in the particular circumstances.

H. The deadline to object to the Motion has expired. The Chapter 13 Trustee filed an objection (Doc. No. 50) (the "Objection"). The Objection is resolved herein.

It is therefore ORDERED:

1. Debtors Plan is modified such that the Debtors shall pay \$1,850.00 per month beginning August 13, 2024 and continuing the duration of the Plan;

2. Debtors shall also pay the net annual bonus received by Debtor Gabriel Ramirez into the Plan beginning in the year 2025 and continuing through the duration of the Plan; and

3. The Trustee is not required to pay any interest on payments to non-priority unsecured creditors through the duration of the Plan.

END OF ORDER

Respectfully submitted by:
GILCHRIST LAW FIRM, P.C.

/s/ GRIETA GILCHRIST

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APPROVED:

/s/ electronic approval 08/22/2024

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